

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CYNTHIA RUSSO, LISA BULLARD,
RICARDO GONZALES, INTERNATIONAL
BROTHERHOOD OF ELECTRICAL
WORKERS LOCAL 38 HEALTH AND
WELFARE FUND, INTERNATIONAL
UNION OF OPERATING ENGINEERS
LOCAL 295-295C WELFARE FUND, AND
STEAMFITTERS FUND LOCAL 439, on
Behalf of Themselves and All Others Similarly
Situated,

Plaintiffs,

v.

WALGREEN CO.,

Defendant.

Civil No. 17-cv-2246

Judge Edmond E. Chang
Magistrate Judge Sheila Finnegan

JOINT STATUS REPORT

Pursuant to the Court's January 27, 2023 Order (ECF No. 566), the parties, through their respective counsel, respectfully submit the following Joint Status Report.

I. The Current Deadlines Imposed by the Court and Whether the Matter Has Been Referred to the Magistrate Judge in Any Fashion

A. Deadline for the Close of Fact Discovery

With certain limited exceptions, and as described below in Section II, fact discovery closed on December 18, 2020, (ECF No. 320), and non-party fact discovery closed on June 1, 2021. (ECF No. 448).

B. Referral to Magistrate Judge Finnegan

On November 6, 2018, the Court referred this case to Magistrate Judge Finnegan for

general discovery supervision. (ECF No. 118.)

C. Expert Discovery and Class Certification

On January 13, 2023, Walgreens deposed Plaintiffs' expert Kenneth Schafermeyer. On January 17, 2023, Walgreens deposed Plaintiffs' expert Lynette Hilton.

By Agreed Order dated October 21, 2022, (ECF No. 545), the following deadlines remain for expert discovery and class certification briefing:

- March 17, 2023 Walgreens' response to the motion for class certification and expert reports are due.
- May 16, 2023 Deadline for Plaintiffs to depose Walgreens' experts.
- June 20, 2023 Plaintiffs' reply in support of the motion for class certification and rebuttal expert reports are due.

Any *Daubert* motions brought under Federal Rule of Civil Procedure 702 will be considered by the Court with class briefing. (ECF No. 476.)

II. The Progress of Discovery

The parties are meeting and conferring regarding certain discovery disputes. To the extent the parties are unable to resolve any disputes, motion practice may be required. The parties will promptly bring any issue before the Court if they reach an impasse.

A. Supplemental Data Declaration

The parties are continuing to meet and confer regarding the supplemental declaration they are negotiating regarding the PSC Database and the PSC Enrollment and Renewal Data. To the extent the parties are unable to resolve any disputes, motion practice may be required. The parties have agreed that, if they reach an impasse on the supplemental declaration, they will promptly

bring this issue before the Court.

B. Amended Discovery Responses

In letters dated January 18, 2023 and January 23, 2023, Walgreens asked Plaintiffs to confirm whether it would provide supplemental responses to certain of Walgreens' interrogatories, requests for admission, and requests for production as to which Plaintiffs had deferred responding until expert discovery, and to address certain other matters that arose in Dr. Hilton's deposition. Plaintiffs have served Walgreens with certain amended discovery responses. The parties have been corresponding regarding this issue and are meeting and conferring regarding the amended responses.

III. Whether the Parties Have Engaged or Are Engaging in Settlement Discussions

The parties have not engaged in settlement discussions.

IV. Whether the Parties Believe a Telephonic Hearing or In-Person Hearing Is Necessary Within the Next 60 Days

The parties respectfully ask the Court to Order that the next Joint Status Report be submitted on or before May 9, 2023.

DATED: March 9, 2023

s/ Michael Scott Leib

Michael Scott Leib

Anthony Robert Todd

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s/ Erin Green Comite (with permission)

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was filed electronically through the Court's Electronic Case Filing System, which will then send a notification of such filing to the registered participants as identified on the Notice of Electronic Filing.

s/ Michael Scott Leib